

# EXHIBIT J



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UNITED STATES OF AMERICA  
Federal Trade Commission  
WASHINGTON, DC 20580

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**Contains Information Designated Highly Confidential – Attorneys’ Eyes Only**

**By Electronic Mail**

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Re: *Federal Trade Commission, et al. v. Amazon.com, Inc.*, No. 2:23-cv-01495-JHC

Dear Katie and Madison:

I write to follow up on our August 5, August 6, and August 9, 2024 meet and confers regarding Plaintiffs’ Fourth Set of Requests for Production to Amazon (Request Nos. 256-393) (“Set Four”). I also write to respond to your August 1, 2024 letter with respect to Request No. 178.

**Objection to Instruction 9:**

The parties agreed that discussions regarding the appropriate default time period are ongoing, and, other than instances where it was uniquely appropriate, there was no need to discuss the relevant time frame for the Set Four requests on these calls.

**Request No. 356:**

Request No. 356 seeks “Documents sufficient to show, for every Merchant that had its request or application to become a Vendor on Amazon rejected or not processed, all reason(s) why that Merchant’s request or application was rejected or not processed by Amazon.”

During our August 9 call, Amazon stated it did not understand the relevance of the request. Plaintiffs explained that the Amended Complaint defines a market for Online Marketplace Services, and that the requested information is relevant to Plaintiffs’ allegations that a vendor relationship is not a reasonable substitute for being a marketplace seller. *See, e.g., Am. Compl. at*

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Request No. 377 seeks “All Documents relating to Amazon’s actions, whether as formal commitments, voluntary commitments, or otherwise, undertaken or considered as the result of requirements consistent with its designation under any regulatory scheme, such as the European Union’s Digital Markets Act, as a gatekeeper, platform with strategic market status, or similar designation, including without limitation actions relating to implementation, monitoring, evaluation, and compliance, as well as the evaluation, consideration, proposal, study, or analysis of any alternatives.”

Amazon objected to producing materials relating to jurisdictions outside the United States, which it argued were not relevant to the allegations in the Amended Complaint. As noted in their July 23 letter, Plaintiffs explained that documents concerning any remedial activity Amazon has engaged in or considered may inform which remedies are practical and feasible in the United States. Amazon also expressed concern about the breadth of the requests and represented that many investigations outside the United States do not relate to the allegations in Plaintiffs’ Amended Complaint.

The parties discussed the possibility of Amazon providing a list of investigations and inquiries in other jurisdictions so that the parties can discuss which may be relevant to Plaintiffs’ Amended Complaint. Plaintiffs reiterated that they do not know the full universe of investigations against Amazon, as many of these are confidential, and that Amazon is in the best position to provide this information.

With respect to Request No. 377, Plaintiffs explained that they are interested in the regulatory regimes in the European Commission (the Digital Market Act), the United Kingdom (the Digital Markets, Competition, and Consumers Bill), and Germany (Section 19(e) of the Competition Act).

Plaintiffs explained that, in an attempt to address burden concerns, they were not proposing custodians in non-United States jurisdictions for the purpose of responding to these requests. *See* July 23, 2024 Letter from M. Baker to K. Trefz. Instead, Plaintiffs request that Amazon search for and produce responsive documents related to actual or considered remedial or compliance efforts in these jurisdictions from the files of agreed-upon custodians and conduct a reasonable targeted collection of files outside the United States.

Please let Plaintiffs know Amazon’s position by **August 26, 2024**.

**Request No. 378:**

Request No. 378 seeks “All Documents relating to any evaluation, consideration, proposal, study, or analysis by Amazon of the cessation of, potential alternatives to, or changes to Amazon Retail’s first-party anti-discounting program (*see* Amended Complaint ¶¶ 327-339) through which it prices products by copying the price of stores or Sellers it monitors.”

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We are available to meet and confer regarding any of the RFPs or objections discussed above.

/s/ Michael Baker

Mike Baker